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9  
10 **UNITED STATES DISTRICT COURT**  
11  
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

14 Case No. 2:24-mj-00004-EJY

15 Plaintiff,

16  
17 **STIPULATION TO EXCLUDE**  
18 **CERTAIN DELAY FROM**  
19 **COMPUTING THE TIME WITHIN**  
20 **WHICH TRIAL MUST COMMENCE**

21 v.  
22 ALBERTO CALDERA,  
23 Defendant.

24  
25 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
26 United States Attorney, and Steven Rose, Assistant United States Attorney, counsel for the  
United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,  
Assistant Federal Public Defender, counsel for Alberto Caldera, that the delay resulting from  
Mr. Caldera's medical care and temporary releases pursuant to 18 U.S.C. § 3142(i)(4) is  
excludable from computing the time within which trial must commence in Eastern District of  
California Case No. 1:23-cr-223-JTL-SKO. The parties compute this time as follows, beginning  
on January 3, 2024, and ending on February 16, 2024.

This Stipulation is entered into for the following reasons:

1. Mr. Caldera made initial appearances in the District of Nevada on January 3,  
2024, on a Petition for Offender Under Supervision (Case No. 2:21-cr-227-JAD-EJY) and an

1 Indictment out of the Eastern District of California (Case No. 1:23-cr-223-JTL-SKO). *See*  
2 *United States v. Sealed*, 2:24-mj-00004-EJY, ECF No. 12 (D. Nev. Jan 3, 2024).

3 2. Mr. Caldera submitted to detention, but the Court granted temporary release  
4 under 18 U.S.C. § 3142(i)(4) so that Mr. Caldera could undergo a medical surgery on January  
5, 2024. *Id.*

6 3. The surgery scheduled for January 5, 2024, did not take place, was rescheduled  
7 for January 26, 2024, and Mr. Caldera self-surrendered on January 8, 2024. *United States v.*  
8 *Sealed*, 2:24-mj-00004-EJY, ECF No. 14 (D. Nev. Jan 8, 2024).

9 4. The Court ordered a series of temporary releases to accommodate rescheduled  
10 medical appointments and surgery, specifically for appointments on January 19, January 26,  
11 and February 15, 2024. *United States v. Sealed*, 2:24-mj-00004-EJY, ECF No. 15 (D. Nev. Jan  
12 8, 2024).

13 5. The parties' understanding is that these medical appointments are necessary, and  
14 Mr. Caldera needs to be present in Nevada to attend these appointments.

15 6. The parties agree that the delay resulting from his medical care constitutes  
16 "delay resulting from transportation of any defendant from another district, or to and from  
17 places of examination or hospitalization" under 18 U.S.C. § 3161(h)(1)(F) and that such delay  
18 "shall be excluded in computing the time within which an information or an indictment must  
19 be filed, or in computing the time within which the trial of any such offense must commence"  
20 18 U.S.C. § 3161(h).

7. The parties further agree that the delay, from January 3, 2024 through February 15, 2024—though longer than 10 days—is not unreasonable. *See* 18 U.S.C. § 3161(h)(1)(F) (“[A]ny time consumed in excess of ten days from the date an order of removal or an order directing such transportation, and the defendant’s arrival at the destination shall be presumed to be unreasonable.”).

8. The parties agree that the delay is based upon the dates provided by the medical provider, and the delay is designed to accommodate the medical schedule.

DATED this 12th day of January, 2024.

**RENE L. VALLADARES**  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

By /s/ *Rick Mula*

**RICK MULA**  
Assistant Federal Public Defender

By /s/ Steven Rose

STEVEN ROSE  
Assistant United States Attorney

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: January 13, 2024